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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,777	08/21/2001	Chris Kreutner	KREUTNER-38766	8590

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,777

Applicant(s)

KREUTNER, CHRIS

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Okisawa, Japanese Patent JP411092722A. Okisawa teaches an adhesive tape 1 with pre printed indicia 2 listing the rooms of a house in a side-by-side arrangement. The destination of the box in which the tape is applied is indicated by marking the already printed destination room with a circle.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okisawa, Japanese Patent JP411092722A in view of Williams, U. S. Patent 4,557,971.

Okisawa teaches an adhesive tape with pre printed indicia 2 listing the rooms of a house in a side-by-side arrangement. The destination of the box in which the tape is applied is indicated by marking the already printed destination room with a circle.

Williams teaches self-adhereable tape comprising a pre-printed message such as "Handle with Care" or "Fragile" such that the tape serves not only to seal a carton, but also to communicate a message. Williams also teaches indicia related to the address or destination of the carton. The tape taught by Williams may be dispensed from a tape-dispensing machine (not shown) which automatically moistens the gumming layer 22 and cuts the tape to length. (See column 4, lines 7-17).

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the tape taught by Okisawa mounted on a tape dispenser taught by Williams to provide a means to store the tape and apply to the tape to the carton.

4. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al., U. S. Patent 5,099,991 in view of Okisawa. Kitagawa teaches a method of packing electrolytic capacitors within a box comprising the step of providing a box 18, inserting the electrolytic capacitor 14 within the box 18 of corrugated cardboard with flaps 191, 191, 192, 192. Thereafter, the flaps 191, 191, 192, 192 are closed and the box is closed by known adhesive tapes 20 to seal the box 18. (See column 3, lines 12-31). Okisawa does not teach tape having preprinted indicia thereon. Okisawa teaches an adhesive tape with pre printed indicia 2 listing the rooms of a house in a side-by-side arrangement. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the tape of the package taught by Kitagawa with pre-printed message as taught by Okisawa to provide a means to convey the room destination of the box/package.

With respect to claim 10-12, Okisawa teaches that the pre-printed indicia are of names of rooms in general houses in Japan. It would have been obvious to one having ordinary skill in the art at the time this invention was made to have any known room of a house or office printed on the tape to provide a means to identify conventional rooms associated with a house or office.

Claims 1-8 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer, U. S. Patent 4,252,258 in view of Williams. Plummer teaches a gang tape dispenser 10 for a multiplicity of dissimilar rolls of pressure sensitive tape 51 selectively usable at the user option. Each roll may bear distinctive symbols and/or color dissimilar from those on the other rolls enabling the user to employ the strip alone or in combination for coding and/or identifying articles. Although the drawings show numeric indicia on the tape rolls, Plummer teaches that other symbols or combination of symbols may be disposed on the different tape rolls. Plummer also teaches that the rolls may be distinguished from one another by various other means as by different colors, letters or symbols as well as by various colors of tapes imprinted with various symbols. (See column 3, lines 39-63). Plummer does not teach the different symbols on the rolls comprising the names of rooms or locations destinations.

Williams teaches self-adhereable tape comprising a pre-printed message such as "Handle with Care" or "Fragile" such that the tape serves not only to seal a carton, but also to communicate a message. Williams also teaches indicia related to the address or destination of the carton. The tape taught by Williams may be dispensed

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from a tape-dispensing machine (not shown) that automatically moistens the gumming layer 22 and cuts the tape to length. (See column 4, lines 7-17).

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the tape dispenser by Plummer with the pre-printed indicia as taught by Williams to provide a means to convey the destination or room contents of the box in which the tape is applied.

With respect to claim 3 and 6, Plummer clearly teaches multiple dispensing rolls each being of a distinctive color and having distinctive indicia for identifying an article.

With respect to claims 4, 5, 7, 8, Williams clearly teaches tape having pre-printed indicia related to the address or destination of the carton. The examiner contends that address or destination corresponds to the claims room indicia. It would have been obvious to print the destination address on the tape whether a street address or room address as a means to indicate the destination of the box or carton. In addition, since the specific legend "bedroom, bathroom, kitchen, dining room, living room, garage, storage room, office, study, den, family room, utility room etc." does not provide an unobvious functional relationship with the tape, the indicia or printed matter relating to the specific room is considered to be a design consideration. See *In re Miller*, 418, F2d 1392, 164 USPQ 46 (CCPA 969).

Claims 9 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al., U. S. Patent 5,099,991 in view of Plummer and Williams. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the box taught by Kitagawa with a plurality of different tapes having

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different symbols and/or colors to provide a means to selectively code each box. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the taped box by Kitagawa and Plummer with the pre-printed indicia as taught by Williams to provide indicia related to the destination of the box after it's be packed.


Response to Arguments

5. Applicant's arguments with respect to claims 1, 6, 9, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
January 11, 2004